

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RUBEN JAMES DE LA O,

Plaintiff,

v.

No. 23-cv-00317-JB-KK

JUSTIN GARWOOD,
GREGORY GAUDETTE,

Defendants.

ORDER GRANTING *IN FORMA PAUPERIS* APPLICATION

This matter is before the Court on Plaintiff Ruben James De La O's Application to Proceed *In Forma Pauperis*. (Doc. 2) (the "IFP Motion"). Plaintiff's financial information reflects he is unable to prepay the \$402 filing fee for his prisoner civil rights complaint. The Court will therefore grant Plaintiff leave to *proceed in forma pauperis*, which reduces the fee to \$350, and allow Plaintiff to pay in installments. *See* 28 U.S.C. § 1915(b). Plaintiff must make an initial partial payment of "20 percent of the greater of ...[his] average monthly deposits ... or (B) the average monthly balance" for the six-month period immediately preceding this action. *Id.*

Plaintiff receives an average of \$119.37 per month, and his average monthly balance is \$34.12. (Doc. 2 at 3-5). The Court will assess an initial payment of \$23.87 which is 20% of the greater figure (\$119.37), pursuant to § 1915(b)(1)(A). After payment of the initial partial fee, Plaintiff is "required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account." 28 U.S.C. § 1915(b)(2). The Court will generally not address the merits of Plaintiff's claims unless the initial partial payment is paid or excused. If Plaintiff fails to timely make the initial partial payment, his complaint may be dismissed without further notice.

IT IS ORDERED that the **Motion (Doc. 2)** is **GRANTED**.

IT IS FURTHER ORDERED that, within thirty (30) days from entry of this order, Plaintiff shall send to the Clerk an initial partial payment of **\$23.87**.

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this order, and that Plaintiff make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment.

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Plaintiff make monthly payments of twenty percent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

A handwritten signature in dark ink, reading "Kirtan Khalsa". The signature is fluid and cursive, with the first name "Kirtan" and last name "Khalsa" clearly distinguishable.

KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE